

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**GENESIS SYSTEMS LLC,  
a Delaware limited liability company,**

**Plaintiff,**

**vs.**

**XYTEL, INC. f/k/a  
XYTEL CORPORATION,  
a Delaware corporation,**

**Defendant.**

**Case No.: 4:19-CV-00568**

**DEFENDANT XYTEL, INC.'S MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 12(b)(2) and (5), Defendant Xytel, Inc. moves to dismiss the now removed Petition filed by Plaintiff Genesis Systems, LLC. This motion is supported by the contemporaneously filed Suggestions in Support, and declarations and exhibit attached thereto.

WHEREFORE, Defendant Xytel, Inc., respectfully requests that this Court grant the Motion, that it dismiss this case with prejudice, and for such other relief as the Court deems just, equitable, and proper.

Respectfully submitted,

**POLSINELLI PC**

By: /s/ Brendan L. McPherson

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**ATTORNEYS FOR DEFENDANT XYTEL, INC.**

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing document was filed electronically with the above-captioned court, with notice of cause of activity to be generated and sent electronically by the Clerk of said Court, this 25<sup>th</sup> day of July, 2019 to the following:

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